

4. In my role as Executive Director at the Allston Brighton CDC, I oversee all aspects of the activities conducted by the Allston Brighton CDC. I have over three decades of experience developing and administering programs aimed at preserving and increasing the supply of affordable housing that services a wide-range of populations.
5. In addition to providing homes directly to low- and moderate-income residents, the Allston Brighton CDC provides counseling and classes on homebuying, student loans, and financial planning. The organization also has three volunteer workgroups to promote community building and engagement around the impact of institutional expansion, a growing shortage of affordable rental and homeownership opportunities, and the rise of absentee and investor property owners. We also provide Community Development Workshops to teach residents about Boston's development and planning processes and avenues for community involvement.
6. Many of the Allston Brighton CDC efforts involve working to provide information and access about opportunities designed to distribute affordable housing created by private developers to neighborhood residents who are often shut out for consideration because of either low earnings, limited savings, or poor credit.

The Impact of the Challenged Rule on Allston Brighton

7. I understand that the U.S. Department of Housing and Urban Development has issued a new regulation on the disparate impact provisions of the Fair Housing Act (the "Final Rule"), and I have reviewed the rule. The Final Rule would, among other things, fundamentally alter the pleading standards and affirmative defenses in cases brought on a disparate impact theory under the Fair Housing Act, making it near-impossible for advocates to advance past the pleading stage to discovery or trial.
8. I believe the Final Rule will undermine the broad remedial goals of the Fair Housing Act to eviscerate segregation, promote housing choice, and provide equal access for all to safe, affordable homes. In particular, I believe the effect of the Final Rule, coupled with the recent rollback of the Affirmatively Furthering Fair Housing Rule, will preclude advocates from negotiating with or bringing legal challenges against municipalities that adopt zoning policies or practices that impede multi-family development.
9. This declaration will demonstrate the ongoing need for enhanced housing protections to protect vulnerable residents and promote the development of multifamily housing through the case study of Allston Brighton.
10. In 2019, the Allston Brighton CDC released "Rising Rents, Closing Doors: A Profile of Housing in Allston Brighton," a follow-up to a 1998 report examining the market conditions that strain the rental and homeownership markets and close the door for many who wish to call Allston Brighton home.¹

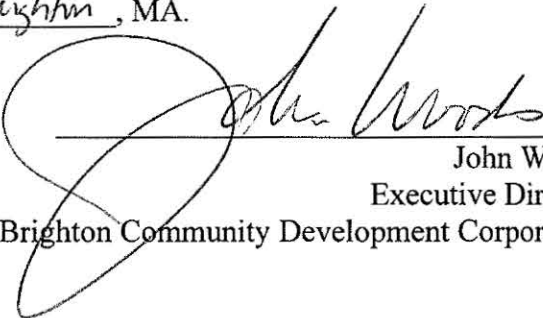
¹ The report is available here: <https://allstonbrightoncdc.org/wp-content/uploads/2019/05/FINAL-Rising-Rents-Closing-Doors-Report.pdf>. Unless otherwise stated, all demographic data and research are drawn from this report.

11. Allston Brighton is a largely middle- and low-income neighborhood, with approximately 30% of residents identifying as non-White. 26% of Allston Brighton residents are immigrants, particularly from China, Vietnam, Haiti, Russia, and Brazil. 80% of all Allston Brighton residents rent, rather than own, their home.
12. Many immigrant households are families with children under 17 and these households typically include an extended family. Three and four-bedroom units in Allston Brighton are scarce, forcing many of these families to pay well over one-third of their income in rent or to live in overcrowded conditions. In 2016, a household earning a median income would have had to pay 63% of its income to rent a three-bedroom apartment in Allston Brighton.
13. Most of the new construction approved in Allston Brighton by the Boston Planning and Development Agency since 2009 has been market rate or higher studio and one to two-bedroom apartments and condominiums that are targeted at higher-income households, to the exclusion of low-income families of color or immigrant families. Several of the newly constructed units are small conversions, which split larger housing units into smaller one, reducing the supply of units suitable for multigenerational families—who are disproportionately immigrants and non-White—and replacing them with smaller units to serve a more affluent, White population.
14. Even when single or two-family homes or three- or four-bedroom apartments are available, these units are quickly taken by students who can afford the escalating prices by sharing the apartments with fellow students making it difficult for low-income families to compete. Landlords welcome the opportunity to rent to this transient population made up of multiple students at higher rent levels who have no stake in the Community and tend to remain only as long as their studies require. Given their limited length of stay landlords often defer maintenance and upgrades normally addressed by more traditional tenancies.
15. Local input into zoning and planning processes tend to attract long-time residents who often contribute to an intimidating atmosphere which limits the involvement of neighborhood newcomers and non-English speaking participants. The input gathered through these processes often leave out the views of those included as protected classes.
16. Even with the significant success of the Allston Brighton CDC's Homebuyer Education Programs and the other programs aimed at increasing access to homeownership, most households who move on to homeownership are households outside those included as protected classes. Success in transitioning from renter to homeowner requires not only significant savings, but an evaluation of work patterns and credit history. The greatest level of success in making the transition comes from those who have significant financial support systems within their family structures.
17. The Allston Brighton CDC is aware that many landlords in the neighborhoods employ policies that disproportionately affect tenants of color and immigrant tenants, including refusing to accept tenant-based subsidies through the Section 8 program, requiring

exorbitant upfront costs (such as first and last month's rent, a broker's fee and a security deposit), or unilaterally excluding tenants with a history of evictions or an arrest record. All of these, while facially neutral, have a discriminatory effect on classes protected by the Fair Housing Act.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my information and belief.

DATED this 28th day of September 2020, at Brighton, MA.



John Woods
Executive Director
Allston Brighton Community Development Corporation